

PPM 430

ORDER OF SELECTION

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ADMINISTRATIVE REQUIREMENTS

430.01 ORDER OF SELECTION IMPLEMENTATION REQUIREMENT

The Vocational Rehabilitation Program must monitor on an ongoing basis and assess at least annually, in advance of each federal fiscal year (and more frequently, if necessary), the number of individuals it is serving and

expects to serve during the coming year, the anticipated cost of serving those individuals, and the current and projected resources that are expected to be available to provide the full range of vocational rehabilitation services needed to serve all program participants. The Vocational Rehabilitation Program is required to implement an order of selection if the program determines that its projected fiscal or personnel resources will not be sufficient to:

- (1) continue to process all referrals and applications it has received and expects to receive;
- (2) provide all of the services required to conduct and complete an assessment for determining eligibility and priority for services for every individual who has applied and is expected to apply;
- (3) provide the full range of appropriate and necessary vocational rehabilitation services to every eligible individual who has and is expected to have a signed Individualized Plan for Employment (IPE); and
- (4) meet all other program requirements and obligations.

430.02 PURPOSE OF THE ORDER OF SELECTION

The purpose of the order of selection is to determine which eligible individuals will be selected to receive services if all eligible individuals cannot be served with the resources available.

430.03 ADMINISTRATIVE ASSURANCES

(1) If it is determined that the order of selection must be implemented, the Vocational Rehabilitation Program must assure that:

(A) the order of selection will be implemented and administered on a statewide basis, in all geographic areas of the state;

(B) irrespective of the order of selection, the program will continue its efforts to—

- (1) expand and improve services to individuals with the most significant disabilities, and

(2) identify and serve eligible individuals with disabilities who are minorities and other individuals who have been unserved or underserved by the program;

(C) the program will continue to make its referral and application forms widely available throughout the state;

(D) the program will continue to process all referrals and applications received in an equitable and timely manner, and will continue to provide an assessment of the eligibility or ineligibility of each individual who applies (including, as appropriate and necessary, the trial work experiences and/or an extended evaluation);

(E) once an eligible individual is receiving services under an Individualized Plan for Employment (IPE) that has been developed, agreed to, and signed, continuity of services will be maintained and services will be provided subject to the plan and all subsequent plan amendments, and will not be reduced or terminated as a consequence of the order of selection, and, in accordance with the continuity of services assurance—

(1) any individual whose IPE was signed prior to the implementation date of the order of selection will be unaffected by the order, and will continue to receive services in accordance with the plan and all subsequent plan amendments,

(2) any individual selected for services under an order of selection procedure that has been implemented and who has a signed IPE will continue to receive services, even if the priority category from which the individual was selected is later closed to additional individuals, and

(3) the continuity of services protection will be applied to all vocationally relevant and necessary services specified in an individual's IPE and all subsequent plan amendments, including post-employment services plans;

(F) the selection criteria utilized to determine the priority order in which each eligible individual is served—

(1) include, in some priority order, all individuals who apply and are found to be eligible,

(2) are based solely on those factors which, by federal definition, distinguish an individual with significant disabilities from an individual with disabilities (the number of functional capacities that are seriously limited in terms of employment by reason of the individual's disability, the number of vocational rehabilitation services expected to be required for the individual to achieve an employment outcome, and the anticipated duration of the services expected to be required), and

(3) ensure that all eligible individuals determined to be individuals with most significant disabilities are assigned to the highest priority category under the order of selection procedure, and will be selected first to receive vocational rehabilitation services, before any individuals with less significant disabilities;

(G) the priority order in which eligible individuals are served under the order of selection is not based on any consideration of—

(1) the age, gender, race, color, creed, or national origin of the individual, or the type of his or her disability, in accordance with PPM 110.01.

(2) any duration of residency requirement,

[REQUIRED PRACTICE. See PPM 110.02 with respect to the determination as to whether or not an individual is present in the state.]

(3) any other factor prohibited under PPM 421.11; and

[REQUIRED PRACTICE. In accordance with the prohibitions described in PPM 421.11, an individual who, for example, is deaf cannot be accorded an SD or MSD priority category assignment based solely on his or her deafness. Neither can an individual who is expected to achieve a competitive employment outcome be accorded a higher priority for services than an individual whose expected outcome is homemaking or unpaid family work, or an individual who requires vocational rehabilitation services to maintain existing employment be preferred over an individual seeking first-time employment. Similarly, the fact that an individual might benefit from supported

employment services does not necessarily assure that he or she will be assigned to the highest priority for such services.]

(H) all sub-contracts and other third-party funding agreements for providing services are consistent with the order of selection.

(2) The program will reserve sufficient resources to meet these requirements throughout the period of time during which it is operating under an order of selection procedure.

430.04 AUTHORITY FOR ADMINISTERING THE ORDER OF SELECTION

The Director of the Division of Disability and Rehabilitative Services (DDRS) has sole authority to determine, in consultation with the Deputy Director of the Bureau of Vocational Rehabilitation Services and the Commission on Rehabilitation Services:

- (1) when the order of selection will be initiated and, subsequently, whether or not it must be continued, in order to satisfy all federal and state requirements;
- (2) which priority category or categories can be served and which priority category or categories cannot be served at any given time, based on available resources;
- (3) the methods by which the deferred services waiting list for those eligible individuals who cannot currently be served will be administered; and
- (4) when, as permitted by applicable federal requirements, the order of selection will be suspended or terminated.

430.05 PRIORITY CATEGORY ASSIGNMENT

Each eligible individual completing the assessment for determining eligibility and priority for services will be assigned to a priority category for services based on the significance of his or her disability, as determined by the Vocational Rehabilitation Counselor in accordance with PPM chapter 422. All priority category assignments and reassignments will be made by

the Indiana Rehabilitation Information System (IRIS), based on the severity information entered into the system.

(1) INITIAL PRIORITY CATEGORY ASSIGNMENT

If the Vocational Rehabilitation Program is operating under an order of selection procedure, each individual determined to be eligible for vocational rehabilitation services must initially be assigned to a priority category upon completion of the determinations of eligibility and significance of disability.

(2) SUBSEQUENT REVIEW AND REASSIGNMENT

The priority category assignment will be revised, and the individual reassigned to a higher or lower priority category, as appropriate, throughout the individual's participation in vocational rehabilitation services, until an Individualized Plan for Employment (IPE) has been developed, agreed to, and signed.

[REQUIRED PRACTICE. Until an IPE is approved, an individual will be reassigned to a higher or lower priority category by IRIS whenever amended severity determination information entered into IRIS prompts the system to change the priority category assignment to a priority category different from that to which the previous assignment was made. After an approved IPE is in place, IRIS will make no further priority category reassignments since, once an IPE has been approved, services must be provided to program conclusion and priority category assignment is no longer relevant.]

(3) INDIVIDUALS EXITING THE PROGRAM FROM ASSESSMENT STATUSES

A priority category assignment is not required, and will not be made, for individuals who exit the Vocational Rehabilitation Program without completing the assessment for determining eligibility and priority for services, or for individuals who complete the assessment but exit the program with a determination of ineligibility.

430.06 PURPOSE OF THE PRIORITY CATEGORY ASSIGNMENT

The priority category assignment is required, to establish the priority order in which the individual will be selected to receive vocational rehabilitation services if the Vocational Rehabilitation Program is operating under an order of selection.

430.07 PRIORITY CATEGORIES UNDER THE ORDER OF SELECTION

Each priority category assignment will be made to the highest priority category for which the individual qualifies at the time the assignment or reassignment is made, and will be to one of the following four priority for services categories.

- (1) Priority category 0 (lowest priority). Eligible individuals determined to be individuals with disabilities ("not SD"), as described in PPM chapter 422.06(1)(A), who do not satisfy the requirements for any of priority categories 1, 2, or 3.
- (2) Priority category 1 (next higher priority, after priority category 0). Eligible individuals determined to be individuals with significant disabilities ("SD"), as described in PPM chapter 422.06(1)(B): (1) whose disabilities result in *a serious limitation of one functional capacity*; (2) whose vocational rehabilitation is expected to require *multiple (two or more) vocational rehabilitation services*; and (3) for whom the vocational rehabilitation services identified as necessary must be provided *over an extended period of time (9 months or longer)*.
- (3) Priority category 2 (next higher priority, after priority category 1). Eligible individuals determined to be individuals with significant disabilities ("SD"), as described in PPM chapter 422.06(1)(B): (1) whose disabilities result in *a serious limitation of two functional capacities*; (2) whose vocational rehabilitation is expected to require *multiple (two or more) vocational rehabilitation services*; and (3) for whom the vocational rehabilitation services identified as necessary must be provided *over an extended period of time (9 months or longer)*.
- (4) Priority category 3 (highest priority). Eligible individuals determined to be individuals with most significant disabilities ("MSD"), as described in PPM chapter 422.06(1)(C): (1) whose disabilities result in *a serious limitation of three or more functional capacities*; (2) whose vocational rehabilitation is expected to require *multiple (two or more) vocational rehabilitation services*; and (3) for whom the vocational rehabilitation services identified as necessary must be provided *over an extended period of time (9 months or longer)*.

430.08 INFORMATION USED FOR MAKING THE PRIORITY CATEGORY ASSIGNMENT

Each initial priority category assignment, and each subsequent priority category reassignment, described in section 430.07 of this chapter must be based solely upon the significance of the individual's disability, as determined in accordance with PPM chapter 422.

430.09 PRESUMPTION FOR SSDI BENEFICIARIES AND SSI RECIPIENTS

Consistent with the requirements of PPM 422.08, an eligible individual who is an allowed Social Security Disability Insurance (SSDI) beneficiary and/or a blind/disabled Supplemental Security Income (SSI) recipient must be presumed to be an individual with at least a significant disability. Each such individual will, therefore, be assigned to priority category 2 or priority category 3, based on the initial and amended severity information entered into IRIS in accordance with PPM chapter 422.

[REQUIRED PRACTICE. IRIS will automatically assign Social Security beneficiaries and recipients to order of selection priority category 2. Based on actual information obtained and developed by the Vocational Rehabilitation Counselor, the beneficiary/recipient may remain in priority category 2, or can be reassigned to priority category 3, if the significance of the individual's disability warrants such reassignment. Social Security beneficiaries and recipients cannot be accorded any precedence over other individuals within the same priority category.]

430.10 APPLICABLE STATUS MOVEMENTS

(1) If the program is not operating under an order of selection procedure and the Vocational Rehabilitation Counselor moves the record of services to status 10 (certified eligible), an Individualized Plan for Employment (IPE) must be developed and vocational rehabilitation services must be initiated under the approved plan in accordance with all applicable policies, including timeliness guidelines.

(2) If the program is operating under an order of selection procedure and the Vocational Rehabilitation Counselor moves the record of services to status 10 (certified eligible) then, based on the information entered by the Vocational Rehabilitation Counselor into the individual's record of services, IRIS will:

(A) determine that the individual is assigned to a served (open) priority category and move the record of services from status 10 to status 11 (certified eligible, served), signifying that IPE development must proceed and vocational rehabilitation services are to be initiated in accordance with the approved plan; or

(B) determine that the individual is assigned to an unserved (closed) priority category and move the record of services from status 10 to status 81 (certified eligible, unserved), signifying that the individual has been added to the deferred services waiting list.

[REQUIRED PRACTICE. Statuses 11 and 81 are only applicable, and will only appear, if the order of selection procedure has been activated. Otherwise, the record of services will progress from status 10 to status 12 or status 30, as applicable.]

430.11 ADMINISTRATION AND MAINTENANCE OF THE DEFERRED SERVICES WAITING LIST

(1) Individuals placed on the deferred services waiting list will be prioritized on the waiting list by priority category assignment and, within each priority category, by date of application for vocational rehabilitation services; and

(2) will remain on the list until:

(A) program resources become available to open the priority category to which the individual has been assigned and IPE development and service provision can proceed;

(B) the order of selection is suspended or terminated;

(C) reassignment of the individual from an unserved to a served priority category, based on a revision of the significance of the individual's disability by the Vocational Rehabilitation Counselor; or

(D) removal from the deferred services waiting list on the basis that the individual or the individual's representative has requested removal from the list (and the individual exits the Vocational Rehabilitation Program by choice) or the Vocational Rehabilitation Counselor has demonstrated that the individual is no longer available for services (as, for example, a

determination that the individual is deceased, has moved out of state, can no longer be located, has been institutionalized, or the individual's medical condition has become rapidly progressive or terminal).

(3) Contact with each eligible individual assigned to a priority category not currently being served and placed on the deferred services waiting list will be maintained, to assure the individual's continued interest in and availability for vocational rehabilitation services, as directed by the Central Support Services Office.

(4) Security access to the deferred services waiting list for purposes of opening and closing priority categories is restricted to authorized Central Support Services Office personnel of the Vocational Rehabilitation Program.

(5) If the Director determines, in accordance with section 430.04 of this chapter, that the resources available for service provision are sufficient to serve some, but not all, of the individuals assigned to a particular priority category, the priority category will be opened for service provision, and as many individuals as possible will be served from the priority category on a first-come, first-served basis, according to the date of application for each eligible individual.

(6) When the Vocational Rehabilitation Program opens a priority category for services that has previously been closed, individuals already on the deferred services waiting list for that category will be given priority over all new applicants, by date of application.

VOCATIONAL REHABILITATION COUNSELOR REQUIREMENTS UNDER THE ORDER OF SELECTION

430.12 PROCESSING REFERRALS AND APPLICATIONS

Irrespective of the order of selection, the Vocational Rehabilitation Counselor must continue to accept and process all referrals and applications received in an equitable and timely manner, in accordance with the requirements of section 430.03(1)(D) of this chapter and PPM chapter 410, including all timeliness requirements.

[REQUIRED PRACTICE. Since the sole purpose of the order of selection is to determine the priority order in which eligible individuals will be served by the Vocational Rehabilitation Program, the referral and application processes of the program are unaffected by the order of selection. The program will reserve sufficient resources to assure that it can continue to receive and process all existing and new referrals and applications throughout the period of time during which an order of selection is in force.]

430.13 CONDUCTING ASSESSMENTS FOR DETERMINING ELIGIBILITY AND PRIORITY FOR SERVICES

(1) Under the order of selection, the Vocational Rehabilitation Counselor must continue to conduct and complete an assessment for determining eligibility and priority for services for each applicant (including, as appropriate and necessary for each individual, the provision of trial work experiences and/or an extended evaluation), in accordance with the requirements of section 430.03(1)(D) of this chapter and PPM chapter 420, including all timeliness requirements.

(2) Upon completion of the assessment for determining eligibility and priority for services, the Vocational Rehabilitation Counselor must make, based on the assessment:

(A) a determination of whether the individual is eligible or ineligible for vocational rehabilitation services, as described in PPM chapter 421; and

(B) a determination of the severity of the individual's disability, and whether he or she is an individual with a disability, an individual with a significant disability, or an individual with a most significant disability, as described in PPM chapter 422.

430.14 NOTIFICATION REQUIREMENT

The Vocational Rehabilitation Counselor must provide timely notification to every individual regarding each initial priority category assignment and any subsequent priority category reassignment. The required notifications must:

(1) be provided in writing, supplemented, if necessary, by appropriate modes of communication;

(2) include, as applicable to each individual—

(A) a description of each of the four priority categories under the order of selection procedure,

(B) identification of the particular priority category to which the individual has been assigned or reassigned, the bases on which the priority category assignment has been made, and whether or not the priority category to which the individual has been assigned is currently being served by the program or whether the individual's name must be placed on the deferred services waiting list,

(C) notification of the individual's right to seek a review of the severity determination used as the basis for priority category assignment or reassignment, through mediation or an administrative hearing, and

(D) information regarding the availability and services of the Client Assistance Program (CAP), and how the CAP can be contacted for assistance; and

(3) be provided within 10 business days of the initial priority category assignment or priority category reassignment.

430.15 SERVING INDIVIDUALS BY PRIORITY CATEGORY ASSIGNMENT

(1) ELIGIBLE INDIVIDUALS ASSIGNED TO SERVED PRIORITY CATEGORIES

Unless the record of services is first closed, if the program is currently not operating under an order of selection procedure or (if an order of selection is in effect) the priority category to which the individual is assigned is currently being served under the order of selection procedure:

(A) the Vocational Rehabilitation Counselor must complete the comprehensive assessment for determining vocational rehabilitation needs;

(B) an IPE for the individual must be developed and signed; and

(C) services must be provided in accordance with the IPE.

(2) ELIGIBLE INDIVIDUALS ASSIGNED TO UNSERVED PRIORITY CATEGORIES

If the program is operating under an order of selection procedure but the priority category to which the individual is assigned is currently not being served under the order of selection procedure:

(A) the comprehensive assessment for determining vocational rehabilitation, or any uncompleted portions thereof, must be terminated;

(B) no IPE can be developed or signed for the individual;

(C) the individual must be placed on the deferred services waiting list; and

(D) vocational rehabilitation services cannot be provided, except for information and referral services only, as described in section 430.17 of this chapter, following.

[REQUIRED PRACTICE. (1) If the program is not operating under an order of selection procedure, the Vocational Rehabilitation Counselor must move the record of services in IRIS to status 10 upon certification of eligibility, to status 12 upon approval of the IPE, and to the appropriate in-service status (14, 16, 18, 20, or 22) upon the initiation of services under the plan.

(2) If the program is operating under an order of selection procedure, the Vocational Rehabilitation Counselor must move the record of services in IRIS to status 10 upon certification of eligibility and provide complete severity information, whereupon IRIS will make a priority category assignment and move the record of services to either status 11 (certified eligible, served) or status 81 (certified eligible, unserved), based on the order of selection priority category parameters.

(3) For each individual moved by the system to status 11, the Vocational Rehabilitation Counselor must assure that an IPE is developed and must move the record of services in IRIS to status 12 upon approval of the IPE, and to the appropriate in-service status (14, 16, 18, 20, or 22) upon the initiation of services under the plan.

(4) If the program is operating under an order of selection procedure and IRIS has moved the record of services to status 81 (certified eligible, unserved), the individual will be added to the deferred services waiting list, and will remain in status 81 until he or she can receive services or is removed from the waiting list, as described in section 430.12 of this chapter and PPM chapter 480.]

430.16 PROVISION OF INFORMATION AND REFERRAL SERVICES

(1) The Vocational Rehabilitation Counselor must, as appropriate to the individual's needs and informed choice, provide information and referral services to all individuals determined to be eligible for vocational rehabilitation services. The information and referral services provided must assure that all eligible individuals with disabilities (including eligible individuals who do not meet the program's order of selection criteria for receiving vocational rehabilitation services if the program is operating under an order selection):

(A) receive information and referral services, including, as applicable and appropriate for each individual, information regarding job counseling, job referral, and job placement services; and

(B) are referred to other appropriate federal and state programs, including other components of the statewide workforce investment system.

(2) If the individual has been assigned to an unserved priority category for purposes of the order of selection, the information and referral services required in accordance with paragraph (1) of this section must be provided without an IPE.

430.17 MAINTENANCE OF THE DEFERRED SERVICES WAITING LIST

As directed by the Central Support Services office, contact must be made on a regular basis, at least annually, with each eligible individual placed on the deferred services waiting list, to ascertain the individual's continued interest in vocational rehabilitation services and continued availability.

RECORD OF SERVICES DOCUMENTATION REQUIREMENTS**430.18 RECORD OF SERVICES CONTENT REQUIREMENTS**

For every eligible individual for whom a priority category assignment has been made, the record of services for the individual must include, as applicable to each individual:

- (1) copies of the notification or notifications required in accordance with section 430.14 of this chapter;
- (2) a description of any information and referral services provided, as described in section 430.16; and
- (3) a record of the contacts made or attempted with individuals placed on the deferred services waiting list, as required under section 430.17.

430.19 INFORMATION TECHNOLOGY SYSTEM COMPLIANCE

All required information, data, and documents must be incorporated and maintained in the record of services for the individual in a manner consistent with Indiana Rehabilitation Information System (IRIS) requirements.

[AUTHORITY: Federal regulations 34 CFR §§361.5(b)(28), (30), and (31); 361.12; 361.13(c); 361.17(h)(1)(i); 361.20; 361.21; 361.25; 361.29(a)(1)(i)(A) and (B); 361.29(d)(1) and (2); 361.36; 361.37; 361.39; 361.40; 361.41; 361.42(a)(3); 361.42(c); 361.45(a)(1) and (2); 361.47; and 361.57.]

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